

**SENATE JOURNAL  
65TH LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 11, 2017

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Hinkle. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Brown excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/11/2017  
Correctly printed: **SB 180, SB 196, SB 285, SB 339, SB 340, SB 341, SB 342, SB 343, HB 3, HB 64, HB 102, HB 131, HB 148, HB 256, HB 271, HB 279, HB 282.**  
Correctly engrossed: **HB 101.**  
Examined by the sponsor and found to be correct: **SB 4, SB 82.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 3/10/2017  
**SR 35**, be adopted.  
**SR 47**, be adopted.

**JUDICIARY** (Regier, Chair): 3/10/2017  
**HB 231**, be amended as follows:

1. Page 1, line 19.

**Following:** "land"

**Insert:** "or by the failure of the landowner or other authorized person to post notice denying entry onto private land"

2. Page 1, line 20 through line 22.

**Strike:** "If" on line 20 through line 22 in its entirety

3. Page 3, line 12.

**Following:** "residential"

**Insert:** "residential and"

4. Page 3, line 13.

**Following:** "REQUIRED AND"

**Strike:** ", "

And, as amended, be concurred in.

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

**HB 276**, be concurred in.

**HB 342**, be concurred in.

**HB 370**, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

3/10/2017

**HB 220**, be concurred in.

**STATE ADMINISTRATION** (Kary, Vice Chair):

3/10/2017

**HB 83**, be amended as follows:

1. Title, page 1, line 13.

**Following:** "ELECTIONS;"

**Insert:** "CLARIFYING VOTER QUALIFICATIONS FOR WATER AND SEWER DISTRICT ELECTIONS; REVISING CERTAIN ELECTION PROVISIONS RELATED TO IRRIGATION DISTRICTS;"

2. Title, page 1, line 14.

**Following:** "7-6-1504,"

**Insert:** "7-13-2212,"

3. Title, page 1, line 15.

**Strike:** "AND"

**Following:** "20-20-204,"

**Insert:** "AND 85-7-1702,"

4. Page 4.

**Following:** line 22

**Insert:** "**Section 5.** Section 7-13-2212, MCA, is amended to read:

~~"7-13-2212. Qualifications to vote. (1) Except as provided in subsection (2), an individual is not entitled to vote at any election under the provisions of part 23 and this part unless the individual possesses all the qualifications required of electors under the general election laws of the state and is a resident of the proposed district or the owner of taxable real property located within the county in which the individual proposes to vote and situated within the boundaries of the proposed district.~~

~~———— (2) An individual who is the owner of the real property described in subsection (1) need not possess the qualifications required of an elector in 13-1-111(1)(c), provided that the elector is qualified if registered to vote in any state of the United States and files proof of registration with the election administrator at least 40 days prior to the election in which the individual intends to vote.~~

~~(1) An individual is qualified to vote in any election under the provisions of part 23 and this part if the individual is a qualified voter pursuant to 13-1-111, not including 13-1-111(1)(a) and (1)(c), and is:~~

~~(a) a resident of the proposed or existing district;~~

~~(b) an owner of taxable real property within the boundaries of the proposed or existing district or, if the property is owned by more than one person, an agent designated by the owners;~~

~~(c) an individual listed in 13-1-506 representing a corporation or company that owns taxable~~

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

real property within the boundaries of the proposed or existing district; or

(d) a designated agent for a property held in trust within the boundaries of the proposed or existing district.

(2) An individual qualified to vote pursuant to subsections (1)(b) through (1)(d) shall provide written proof of the individual's qualifications to the election administrator at least 25 days before the election."

**Renumber:** subsequent sections

5. Page 18.

**Following:** line 15

**Insert:** "Section 17. Section 85-7-1702, MCA, is amended to read:

**"85-7-1702. Election or appointment of commissioners -- term of office.** (1) The election for commissioners in each district must be held annually in accordance with Title 13, chapter 1, part 5. The election may be at the district's annual meeting or on the date established in 13-1-504(1).

(2) A person eligible to vote in the district may file a declaration of candidacy for the office of commissioner with the election administrator or deputy election administrator within the time period specified in 13-1-502.

(3) Within 40 days following their election, the commissioners shall meet and organize as a board by electing a president from their number and a secretary, who may or may not be a commissioner, who shall each hold office at the pleasure of the board.

(4) The Except as provided in 85-7-204, the term of office of each commissioner begins on the date of the commissioner's election and continues for 3 years.

~~(4)~~(5) Commissioners are elected by the electors of the entire district."

**Renumber:** subsequent sections

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** concurred in and returned to the Senate:

3/10/2017

**SB 54**, introduced by J. Gross

**SB 86**, introduced by T. Richmond

**SB 89**, introduced by G. Vance

**SB 100**, introduced by C. Smith

**SB 129**, introduced by M. Caferro

**SB 142**, introduced by T. Facey

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/10/2017

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

**SB 62**, introduced by C. Wolken

**House bill** passed and transmitted to the Senate for concurrence: 3/10/2017

**HB 478**, introduced by E. Hill Smith

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 344**, introduced by F. Moore, referred to Business, Labor, and Economic Affairs.

**SB 345**, introduced by C. Smith, D. Ankney, N. Ballance, B. Beard, S. Berglee, M. Blasdel, R. Brodehl, D. Brown, E. Buttrey, P. Connell, R. Ehli, J. Essmann, J. Fielder, S. Fitzpatrick, W. Galt, T. Gauthier, B. Grubbs, B. Harris, G. Hertz, S. Hinebauch, J. Hinkle, B. Hoven, D. Howard, L. Jones, D. Kary, B. Keenan, J. Knokey, A. Knudsen, M. Lang, S. Lavin, F. Moore, D. Mortensen, A. Olszewski, R. Osmundson, J. Patelis, A. Redfield, K. Regier, M. Regier, V. Ricci, A. Rosendale, D. Salomon, R. Shaw, L. Sheldon-Galloway, D. Skees, J. Small, N. Swandal, F. Thomas, B. Usher, G. Vance, S. Vinton, K. Wagoner, R. Webb, D. Zolnikov, referred to Business, Labor, and Economic Affairs.

**SB 346**, introduced by T. Gauthier, E. Buttrey, J. Hamilton, A. Olszewski, J. Small, F. Smith, referred to State Administration.

The following House bill was introduced, read first time, and referred to committee:

**HB 478**, introduced by E. Hill Smith, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 95** - Senator Sands moved **HB 95** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 49

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**HB 163** - Senator Caferro moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**HB 173** - Senator Moore moved **HB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

**SR 36** - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 36**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SR 38** - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 38**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang,

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 180** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SB 196** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

**SB 285** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Tempel.

Total 1

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

**HB 3** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 46

Nays: Caferro, Malek, Smith F.

Total 3

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

**HB 131** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Fielder, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 43

Nays: Connell, Facey, Hinebauch, Lang, Tempel, Whitford.

Total 6

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

**HB 148** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

**HB 256** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

SENATE JOURNAL  
FIFTY-FIRST LEGISLATIVE DAY - MARCH 11, 2017

Nays: Smith F.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 13, 2017, the fifty-second legislative day. Motion carried.

Senate adjourned at 8:26 a.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate